

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 31] NEW DELHI, TUESDAY, 18 MAY, 1954

HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on the 18th May 1954:—

BILL* No. 24 OF 1954

A Bill to provide for the constitution of an Auxiliary Territorial Force.

BE it enacted by Parliament in the Fifth Year of our Republic as follows:—

1. Short title and extent.—(1) This Act may be called the Auxiliary Territorial Force Act, 1954.

(2) It extends to the whole of India.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'camp' means any place established under section 4 as a camp where any body of persons enrolled under this Act is for the time being undergoing training;

(b) 'Force' means the Auxiliary Territorial Force constituted under this Act;

(c) 'enrolled person' means a person enrolled in the Force under this Act;

(d) 'prescribed' means prescribed by rules made under this Act;

(e) 'superior officer' means any officer, junior commissioned officer or non-commissioned officer of the regular Army or of the Territorial Army;

(f) all words and expressions used in this Act and not defined but defined in the Army Act, 1950 (XLVI of 1950), or in the Territorial Army Act, 1948 (LVI of 1948), shall have the meanings respectively assigned to them in the said Acts.

*The President has, in pursuance of clause (3) of article 117 of the Constitution India, recommended to the House of the People the consideration of the Bill.

3. Constitution of the Auxiliary Territorial Force.—There shall be raised and maintained by the Central Government in the manner hereinafter provided a force to be designated the Auxiliary Territorial Force.

4. Establishment of camps.—The Central Government may establish such number of camps for the purposes of the Force as it thinks fit and may close down or re-establish any such camps.

5. Enrolment.—Any citizen of India may offer himself for enrolment as a member in the Force, and may, if he satisfies the prescribed conditions, be enrolled by the prescribed authority for such period not exceeding five years and subject to such conditions as may be prescribed.

6. Duties of enrolled persons.—No enrolled person shall, by virtue of being a member of the Force, be liable for military service, but subject thereto an enrolled person may be called upon at any time to undergo such training as may be prescribed, and while undergoing such training shall perform such duties and discharge such obligations as the prescribed authority may, by general or special order, direct:

Provided that where an enrolled person has, during the period of his enrolment, undergone training at least once after being called upon for the purpose, any further training shall be at his option, and if any enrolled person fails to attend at any place for subsequent training when called upon to do so, he shall not be deemed to have committed an offence within the meaning of clause (i) of sub-section (1) of section 8.

7. Discharge.—Every enrolled person shall be entitled to receive his discharge from the Force on the expiration of the period for which he was enrolled, but any such person may, prior to the expiration of that period, be discharged from the Force by such authority and subject to such conditions as may be prescribed.

8. Offences and penalties.—(1) If any enrolled person commits any of the following offences, that is to say,—

(i) without sufficient cause fails to attend at any place when duly required to do so; or

(ii) while in camp on duty—

(a) absents himself from the camp without leave;

(b) uses criminal force or uses threatening or insubordinate language to a superior officer or assaults a superior officer;

(c) disobeys any lawful command of a superior officer;

(d) neglects to obey any standing, general or other orders by the officer commanding the camp;

(e) uses criminal force to or assaults any enrolled person or any person subject to the Army Act, 1950 (XLVI) of

1950), or any officer or person enrolled under the Territorial Army Act, 1948 (LVI of 1948);

(f) escapes from lawful custody;

(g) knowingly does any act which is prejudicial to the maintenance of good order or military discipline in camp;

he shall be punished summarily by order of the prescribed authority with fine which may extend to fifty rupees or in default by being confined to barracks for a term which may extend to seven days.

(2) Any fine imposed by order of the prescribed authority under sub-section (1) may, on application made in this behalf by the prescribed authority to a magistrate having jurisdiction in the place where the enrolled person resides or has a place of business, be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as if it were a fine imposed by such magistrate.

9. Liability for causing loss of or damage to Government property.—If any enrolled person wilfully or negligently causes loss of, or damage to, any property of the Government, the prescribed authority may, after giving that person an opportunity of being heard and after making such inquiry into the matter as it thinks fit, make an order requiring him to make good the loss or damage within such time as may be specified in the order or within such further time as may be allowed by the prescribed authority in this behalf, and where the amount thereof as determined by the prescribed authority is not paid within the time allowed, it shall, on application made by the prescribed authority to the Collector of the district in which the enrolled person resides or has his place of business, be recovered from such person in the same manner as an arrear of land revenue may be recovered by the Collector under any law for the time being in force relating to public demand.

10. Presumption as to certain documents.—Where an enrolled person is required by or in pursuance of any rule made under this Act to attend at any place, a certificate purporting to be signed by the prescribed officer stating that the person so required to attend failed to do so in accordance with such requirement shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

11. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the authorities by which, the manner in which, the period for which, and the conditions subject to which, any person may be enrolled under this Act;

(b) the training, discipline, duties and obligations of an enrolled person has to undergo, observe, perform or do under this Act;

(c) the authorities by which, and the conditions subject to which, any enrolled person may be discharged;

(d) the manner in which, and the conditions subject to which, an enrolled person may be called out for training or duty;

(e) the allowances or other remuneration payable to persons;

(f) the determination of authorities for the purposes of this Act;

(g) the officers by whom certificates may be signed under section 10; and

(h) any other matter which under this Act is to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS

The object of the scheme is to inculcate a sense of discipline among the members of the public by giving them elementary training. Military training is imparted in camps which are set up at convenient places both in urban and in rural areas. Able-bodied male citizens between the ages of 18 and 40, serving and ex-personnel of the Territorial Army, ex-servicemen, ex-cadets of the National Cadet Corps, are eligible to join the Auxiliary Territorial Force which does not carry any liability for compulsory military service.

The Bill seeks to provide the legal basis for the imparting of training and lays down the broad principles for the establishment of training camps and for the exercise of disciplinary control over the trainees while in the camps. All other matters of administrative details connected with training, remuneration payable to the trainees, issue of stores, etc. will be regulated by means of rules to be made under the proposed law.

MAHAVIR

NEW DELHI;

The 4th May, 1954.

FINANCIAL MEMORANDUM

The formation of the Auxiliary Territorial Force, originally known as the Auxiliary Territorial Army, involves expenditure from the Consolidated Fund of India. At the rural camps, the trainees are provided with free rations and tented or other accommodation for the purpose of training. Trainees in urban camps are not required to reside in camp, but they are entitled to a small refreshment allowance. At rural camps, trainees are given an out-of-pocket allowance of Rs. 5 on completion of training. A rural camp has hitherto been of one week's duration and in urban camps, training has been given for 3 hours per

for two weeks. In future, it is proposed to increase the duration of the rural camp to 10 days and of an urban camp to 20 days. Each camp is intended to train about 480 persons.

2. The cost of training will vary from year to year depending on the number of persons to be trained. It is estimated that the expenditure involved in a rural camp will be about Rs. 9000 per camp and in an urban camp Rs. 5000 per camp. This amount does not take into account the pay and allowances of the training teams which are provided by the Army out of its existing resources.

3. As an experimental measure, 36 camps were set up in 1953-54 and financial provision necessary for similar camps and training has been included in the Defence Services Estimates for 1954-55 under Demand No. 12 and voted by the Parliament. An extract from the Explanatory notes to the Defence Services Estimates is enclosed.

AN EXTRACT FROM THE EXPLANATORY NOTES TO THE DEFENCE SERVICES
ESTIMATES FOR THE YEAR 1954-55

The Territorial Army was constituted under the Territorial Army Act, 1948 and commenced raising in 1949. When fully formed, it will be composed of combatant, technical and administrative units. The personnel of the Territorial Army are given periodical military training. During the training period and when embodied for service, they are entitled to pay, allowances, etc., at the same rates as for corresponding ranks of the regular Indian Forces.

Commencing from the year 1953-54, a new organisation given so far the name of Auxiliary Territorial Army has been formed. All able-bodied Indian male citizens between the ages of 18 and 40 years are eligible to join this organisation. Training in these Forces consists of drill without arms, elementary field engineering and physical training, etc.

MEMORANDUM REGARDING DELEGATED
LEGISLATION IN THE AUXILIARY TERRITORIAL
FORCE BILL, 1954

The broad features of the scheme, namely the constitution of the Auxiliary Territorial Force, the establishment and closure of camps (both rural and urban), the enrolment of citizens of India as members of the Force, the commission of offences by members of the Force and the penalties to which they will be liable are laid down in the Bill itself. With a view to a successful implementation of the scheme, the powers to provide matters of administrative details, such as the prescription of the authorities by which members of the Force may be enrolled, the manner in which, the period for which, and the conditions subject to which, such persons may be enrolled, the training, discipline, duties and obligations which such persons may undergo, observe, perform or discharge, the manner in which, and the conditions subject to which, such persons may be called out for training or duties, the allowances or other remuneration to be paid

to such persons, the conditions subject to which such persons may be discharged, etc., have been delegated to the Central Government to prescribe by means of subordinate legislation, as it is not practicable for Parliament to visualise, at the moment, the actual working of the scheme and to lay down in the Bill itself all the necessary details. Some of the powers delegated to the Central Government such as the powers to appoint authorities by which persons may be enrolled and to prescribe the training, discipline, duties and obligations which such enrolled persons may undergo, observe, or discharge and the allowances to be paid to such enrolled persons etc., which may not appear *prima facie* to be normal in character are really so if one has regard to the fact that in enactments relating to the Army, the Navy and the Air Force, it is not possible for Parliament to lay down matters of administrative details in the law itself.

M. N. KAUL.

Secretary.

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